

ORDINANCE NO. 15-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, CREATING ARTICLE V, SECTION 1, TO BE ENTITLED "NAMING OF TOWN FACILITIES" OF THE TOWN CHARTER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Lake Park has the Home Rule power and authority pursuant to the Florida Constitution and Chapter 166, Florida Statutes, to amend provisions of the Charter of the Town of Lake Park ("Charter"), without referendum except for those provisions of the Charter specifically enumerated in Section 166.021(4), Florida Statutes; and

WHEREAS, the Town Commission has not previously submitted an amendment of the provision of its Charter as contained in this ordinance to a vote of the electors of the Town; and

WHEREAS, neither the Town Charter nor Code of Ordinances, currently provide any restrictions, limitations, or provisions governing the naming of Town buildings, parks, places, and other facilities ("Town facilities"); and

WHEREAS, although municipalities have no specific authorization by statute or otherwise relating to the naming of public buildings, parks, places, and other facilities, local governments possess the power to their facilities under their general Home Rule powers; and

WHEREAS, the Town Commission of the Town of Lake Park recognizes that naming rights of Town property are an asset of the Town which should be governed by the Town's Charter; and

WHEREAS, the Town Commission has found that amending the Charter to require that the naming of any Town facility be determined through a referendum election, would further the public health, safety and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The Town Commission of the Town of Lake Park, Florida hereby creates Article V, Section 1 of the Town Charter, to be entitled "Naming of Town Facilities" as follows:

Article V, Sec. 1. "Naming of Town Facilities".

Town facilities, including but not limited to, Town owned and/or leased and/or operated buildings, parks, arenas, stadiums, roadways, and other property and facilities shall not be named after any living person. Before any Town facility is named after a human being, the proposed name or names shall be first submitted to the registered voters of the Town for approval in a referendum. The Town Commission, should it so desire, may solicit suggestions for the naming of any Town facility from the public prior to the referendum, but is not required to do so. The referendum shall be conducted in accordance with the state election laws governing referendum elections.

Section 2. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 4th day of August, 2004, the foregoing ORDINANCE was offered by Commissioner Jeff Carey who moved its approval. The motion was seconded by Commissioner Paul Garretson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	<u> </u>
VICE MAYOR CHUCK BALIUS	<u>X</u>	<u> </u>
COMMISSIONER PAUL GARRETSON	<u>X</u>	<u> </u>
COMMISSIONER ED DALY	<u>X</u>	<u> </u>
COMMISSIONER JEFF CAREY	<u>X</u>	<u> </u>

Upon Second Reading this 18th day of August, 2004, the foregoing ORDINANCE was offered by Vice Mayor Balius who moved its adoption. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	<u> </u>
VICE MAYOR CHUCK BALIUS	<u>X</u>	<u> </u>
COMMISSIONER PAUL GARRETSON	<u>X</u>	<u> </u>
COMMISSIONER ED DALY	<u>X</u>	<u> </u>
COMMISSIONER JEFF CAREY	<u>X</u>	<u> </u>

The Mayor thereupon declared Ordinance No. 15-2004 duly passed and adopted this 18th day of August, 2004.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
Mayor Paul Castro

ATTEST:

Stephanie Thomas
Stephanie Thomas
Interim Town Clerk

Approved as to form and legal sufficiency:
Thomas J. Baird
Thomas J. Baird, Town Attorney

